

In the Claims

Claim 25, line 2, change "spring elements" to --spring-biased joints--.

Remarks

By the foregoing Amendment, claim 25 is amended.

The Examiner has rejected claims 24-31 under 35 U.S.C. 112, first paragraph arguing that the pivotable parts provided with blades end portions does not adequately convey to an artisan a cutting structure, as required by claim 24.

The undersigned discussed a basis for the above rejection during a telephone interview on July 13, 2000. The undersigned pointed out that page 3, lines 21-25 contains support for the for a blade end portion, which, in turn, provides a sufficient basis for the term "cut". The following comments had been drafted before the interview was held and provide an additional support for the Applicant's position, wherein Applicant requests that the rejection under 35 U.S.C. 112, first paragraph be withdrawn.

Page 2, line 10 of the specification describes that one of the problems "underlying the invention is the provision of a trocar sleeve which can be introduced into a body cavity, e.g. by penetration of the abdominal wall, without the need to use a trocar mandrel." In other words, what the specification here discloses is that it is known to use a trocar mandrel in order to cut through the abdominal wall for insertion of a non-cutting trocar sleeve.

Page 3, lines 13-15 of the specification provides additional descriptive support for cutting a body by stating that "in this way (by using the blades to form a tip) it is possible to dispense with the pointed trocar mandrel and to "push" the trocar sleeve through the body wall directly without an additional mandrel..."

Claims 25-27 and 29 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite to distinctly claim the subject matter because, as asserted by the Examiner, there is no support in the specification for the spring elements as claimed.

Page 4, lines 10-12 describe "spring elements which bias the individual sections in a direction towards the proximal end." Page 5, lines 13-14 refer to "joint 6 ... pivoted via appropriate actuating elements ... by means of a spring action." However, claim 25 have been amended to replace spring elements with the spring biased joints described on page 6, line 25. The rejection should be withdrawn.

Claims 24-31 have been rejected under 35 U.S.C. 102(b) as anticipated by Taylor '564. All Taylor shows is a plurality of pivotal arms having arcuate ends. There is no teaching of blade end portions cutting the body, as required by claim 24. This rejection should be withdrawn.

It is respectfully submitted that all of the claims remaining in the application, are in order for allowance, and early notice to that effect is respectfully requested.

Respectfully submitted,



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